

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CATHY L. BAKER,

Plaintiff,

v.

**Case No.: 2:17-cv-784
JUDGE GEORGE C. SMITH
Magistrate Judge Deavers**

**ANDREW M. SAUL,
COMMISSIONER
OF SOCIAL SECURITY,**

Defendant.

ORDER

This case is before the Court to consider the *Report and Recommendation* issued by the Magistrate Judge on January 23, 2020. The Magistrate Judge recommended that Plaintiff's Statement of Errors be overruled, the decision of the Commissioner of Social Security be affirmed, and that judgment be entered in favor of Defendant, the Commissioner of Social Security. (Doc. 14). This matter is now before the Court on Plaintiff's Objections to the Magistrate Judge's *Report and Recommendation*. (Doc. 15). Defendant has also filed a Response to Plaintiff's Objections. (Doc. 17). The Court will consider the matter *de novo*. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Plaintiff raises two main objection to the Magistrate Judge's *Report and Recommendation*. Specifically, Plaintiff objects to the Magistrate Judge's findings that: (1) the ALJ properly weighed the medical opinion evidence; and (2) the ALJ properly evaluated Ms. Baker's testimony.

With respect to the first objection, Plaintiff challenges the Magistrate Judge's finding that the ALJ declined to afford controlling weight to Ms. Baker's treating neurologist, Dr. Vakili because the doctor only examined Plaintiff on two occasions prior to rendering her opinion. Plaintiff contends that the Magistrate Judge incorrectly affirmed the ALJ's decision based on rationale offered by Defendant's counsel for the first time on appeal.

The Magistrate Judge, however, correctly noted that "the ALJ pointed to a wide range of additional evidence that undermines Dr. Vakili's opinion, including her own treatment notes and the treatment notes from treating physician Dr. Wasef." (Doc. 14, R&R at 24). The Court agrees. There were several reasons to discount Dr. Vakili, including the she had only examined Plaintiff on two occasions. The ALJ considered the full record when discounting Dr. Vakili's opinions, including Dr. Vakili's own treatment notes that were inconsistent with her opinions. Accordingly, Plaintiff's first objection is overruled.

Turning to Plaintiff's second objection, that the ALJ failed to properly evaluate Ms. Baker's testimony. Specifically, Plaintiff takes issue with the findings that the diagnostic testing and clinical examinations did not support Plaintiff's allegations. The Court has reviewed the arguments and the record and agrees with the Magistrate Judge's conclusion that there is substantial evidence in the record to support the ALJ's credibility assessment. The ALJ's decision contains a thorough summary of the many examinations, studies, reports, and statements by Plaintiff that support his determination that Plaintiff's statements were not consistent with the record as a whole. Accordingly, Plaintiff's second objection is overruled.

Therefore, for the reasons stated in the well-reasoned *Report and Recommendation*, this Court finds that Plaintiff's objections are without merit.

Based on the aforementioned and the detailed *Report and Recommendation*, the Court finds that Plaintiff's objections have been thoroughly considered and are hereby **OVERRULED**. Accordingly, the *Report and Recommendation*, Document 18, is **ADOPTED** and **AFFIRMED**.

The Clerk shall remove Documents 14 and 15 from the Court's pending motions list and enter final judgment in favor of Defendant, the Commissioner of Social Security.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT